

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JESSIE GREEN,

Petitioner,

vs.

WILLIS CHAPMAN,

Respondent.

2:18-CV-13452-TGB

**ORDER DENYING PENDING
MOTIONS**

On January 31, 2020, the Court denied Petitioner's Petition for Writ of Habeas Corpus with prejudice, denied a certificate of appealability, and granted Petitioner leave to appeal *in forma pauperis*. ECF No. 27. On February 19, 2020, Petitioner filed a motion for a certificate of appealability (ECF No. 30). On February 26, 2020, Petitioner filed a motion for reconsideration of the denial of a certificate of appealability (ECF No. 33). On March 17, 2020, Petitioner filed a motion seeking copies of all evidence he submitted to this Court for use in his appeal. ECF No. 34. On June 29, 2020, the Sixth Circuit Court of Appeals issued an order denying Petitioner a certificate of appealability. ECF No. 35.

E.D. Mich. Local Rule 7.1(h)(3) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v.*

Greatdomains.com, Inc., 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001). A motion for reconsideration should be granted if the movant demonstrates a palpable defect by which the court and the parties have been misled and shows that correcting the defect will lead to a different disposition of the case. *See DirecTV, Inc. v. Karpinsky*, 274 F. Supp. 2d 918, 921 (E.D. Mich. 2003).

In this case, Petitioner has made a number of lengthy arguments in support of his motion for reconsideration. ECF No. 33. All of these arguments were considered by this Court, however, either expressly, or by reasonable implication, when the Court denied petitioner habeas relief on his claims and declined to issue a certificate of appealability. ECF No. 27. None of the arguments raised in the motion persuade the Court that it palpably erred when it denied Petitioner's petition for writ of habeas corpus and certificate of appealability, nor has Petitioner shown that even if such a defect existed, it would have resulted in a different disposition of the case. Accordingly, Petitioner has not established an entitlement to relief under Local Rule 7.1(h).

With respect to Petitioner's motion for copies, on June 29, 2020, the Sixth Circuit Court of Appeals reviewed the merits of Petitioner's claims and denied Petitioner a certificate of appealability. ECF No. 35. Because the Sixth Circuit has declined to issue a certificate of appealability, Petitioner's motion for copies for use in his appeal (ECF No. 34) will be denied as moot.

For the reasons above, it is **HEREBY ORDERED** that Petitioner's motion for certificate of appealability (ECF No. 30) and motion for reconsideration of the denial of a certificate of appealability (ECF No. 33) are **DENIED**. **IT IS FURTHER ORDERED** that Petitioner's motion for copies (ECF No. 34) is **DENIED AS MOOT**.

Dated: July 15, 2020

s/Terrence G. Berg

TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE